IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.28536 of 2008
RAJESH KUMAR THAKUR …. PETITIONER
Versus
THE STATE OF BIHAR …. OPP. PARTY
With

Cr.Misc. No.39300 of 2008
1. DINESH PRASAD THAKUR
2. RAJ KUMAR THAKUR @ MANDAN THAKUR
….. PETITIONERS
Versus
THE STATE OF BIHAR ….. OPP. PARTY
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4. 24.11.2008 Heard Sri Bhola Prasad, Advocate and Sri Amit Kumar Anand, Advocates for the petitioners and Sri D. Mehta, APP for the State.

A dacoity was committed in the bank and Rs.8,26,875/- was looted away from the locker of the bank by the criminals. One of the criminals Dinesh Prasad Thakur remained closed inside the bank along with the Manager of the Branch. The people of the locality came and broke the doors of the locker room and brought out the Manager and petitioner Dinesh Prasad Thakur. His confession appears led arrest of petitioner Raj Kumar Thakur @ Mandan Thakur and also recovery of Rs.10,900/- from the joint house of the three petitioners.

The contention is that the name of petitioner Rajesh Kumar Thakur has come in the confessional statement of

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petitioner Raj Kumar Thakur as the person, who had brought the Yamaha motor cycle, which was used in commission of the dacoity. The contention further is that there is no recovery from the possession of Rajesh Kumar Thakur directly.

The learned Additional Public Prosecutor had read out to me the relevant part of the case diary, which is paragraphs 5, 73 & others and has submitted that the Dinesh Prasad Singh remained closed inside the branch and was brought by the people of the locality and Raj Kumar Thakur was arrested and his confession led to the recovery of the amount. It is contended that the house was joint and the money was not from any personal source of the accused persons and as such its recovery from the joint house could be said to be within the knowledge of every inmates of the house.

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Regard being had to the facts and circumstances of the case, I do not find any merit in the two petitions. The same are dismissed.

DKS/ **(Dharnidhar Jha, J.)**